

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Mark V. Aulabaugh)	File Number: EB-07-DL-0249
)	
Licensee of Radio Station KSEY)	
Seymour, TX)	NAL/Acct. No.: 200832500004
Facility ID # 71536)	
)	
Licensee of Radio Station KSEY-FM)	FRN: 0004931952
Seymour, Texas)	
Facility ID # 71535)	

FORFEITURE ORDER

Adopted: September 11, 2008

Released: September 15, 2008

By the Regional Director, South Central Region, Enforcement Bureau:

1. In this *Forfeiture Order* (“*Order*”), we issue a monetary forfeiture in the amount of eight thousand dollars (\$8,000) to Mark V. Aulabaugh, licensee of stations KSEY and KSEY-FM, in Seymour, Texas, for willful and repeated violation of Section 73.3526 of the Commission’s Rules (“*Rules*”).¹ The noted violation involves Mr. Aulabaugh’s failure to maintain and make available complete public inspection files.

2. On June 18, 2008, the Commission’s Dallas Office of the Enforcement Bureau (“*Dallas Office*”) issued a *Notice of Apparent Liability for Forfeiture* (“*NAL*”) in the amount of \$8,000 to Mr. Aulabaugh.² Mr. Aulabaugh has not filed a response to the *NAL*. Based on the information before us, we affirm the forfeiture.

3. **ACCORDINGLY, IT IS ORDERED** that, pursuant to Section 503(b) of the Communications Act of 1934, as amended,³ and Sections 0.111, 0.311 and 1.80(f)(4) of the Commission’s Rules,⁴ Mark V. Aulabaugh **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of \$8,000 for violation of Section 73.3526 of the Rules.

4. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within 30 days of the release of this Order. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.⁵ Payment of the forfeiture must be made by check or similar instrument, payable to the order of the

¹ 47 C.F.R. § 73.3526.

² *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200832500004 (Enf. Bur., Dallas Office, released June 18, 2008).

³ 47 U.S.C. § 503(b).

⁴ 47 C.F.R. §§ 0.111, 0.311, 1.80(f)(4), 73.3526.

⁵ 47 U.S.C. § 504(a).

Federal Communications Commission. The payment must include the NAL/Account Number and FRN Number referenced above. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000. Payment by overnight mail may be sent to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payment[s] by wire transfer may be made to ABA Number 021030004, receiving bank TREAS/NYC, and account number 27000001. For payment by credit card, an FCC Form 159 (Remittance Advice) must be submitted. FCC Form 159 may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>. When completing the FCC Form 159, enter the NAL/Account number in block number 23A (call sign/other ID), and enter the letters “FORF” in block number 24A (payment type code). Requests for full payment under an installment plan should be sent to: Chief Financial Officer -- Financial Operations, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554. Please contact the Financial Operations Group Help Desk at 1-877-480-3201 or Email: ARINQUIRIES@fcc.gov with any questions regarding payment procedures. Mr. Aulabaugh will also send electronic notification on the date said payment is made to SCR-Response@fcc.gov.

5. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by First Class Mail and Certified Mail Return Receipt Requested to Mark V. Aulabaugh at his address of record.

FEDERAL COMMUNICATIONS COMMISSION

Dennis P. Carlton
Regional Director, South Central Region
Enforcement Bureau